

S/N 09/787,641

PATENTREMARKS

Reconsideration of the application is requested in view of the above amendments and the following remarks. Claims 2-3 and 23-25 have been canceled. Claim 57 has been added. Claims 27-56, corresponding to non-elected claims, have also been canceled. Claims 1, 4, 7, 11, 13, 14, 19-22, and 26 have been amended. Support for the amendment to claim 1 can be found in the "SPD Diesel Type A" example in Table 4(a) on page 13. According to this example, 93.62% of all aromatics, which constitute 0.47% of the overall composition, are monocyclic. Thus, the overall composition of claim 1 comprises 0.44% monocyclic aromatics ($0.47\% * 0.9632 = 0.44\%$). No other new subject matter has been added to the claims by the amendment made herein. Claims 1, 4-22, 26 and 57 are now pending.

Allowable Subject Matter

Claims 9-12 were previously found to contain allowable subject matter. Applicants thank the Examiner for indicating allowable subject matter.

Restriction Requirement

A restriction requirement was previously invoked. Applicant respectfully traverses the restriction requirement. In order to advance prosecution of the application, however, Applicants have elected Group I claims, corresponding to claims 1-26 and new claim 57, and have canceled the remaining non-elected claims.

Claim Objections

Claims 4-7, and 13-26 were objected to for being in improper form because a multiple dependant claim cannot depend from another multiple dependant claim. All multiple dependencies have been eliminated in the amendment made herein. Accordingly, Applicants respectfully contend this rejection has been rendered moot.

Claim Rejections Under 35 U.S.C. § 112

S/N 09/787,641

PATENT

Claim 56 was rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Claim 56 has been canceled, rendering this rejection moot.

Claim Rejections Under 35 U.S.C. § 102

Berlowitz et al.

Claims 1, 2, 8, and 56 were rejected under 35 U.S.C. § 102 as anticipated by Berlowitz et al. (WO9834998). Applicants respectfully traverse this rejection. Claims 2 and 56 have been canceled, rendering the rejection moot as to these claims.

Claim 1 has been amended to include all limitations previously set forth in claim 3. Claim 3 was not found anticipated by Berlowitz et al. For at least this reason, Berlowitz et al. fails to anticipate claim 1.

Claim 8 requires a composition comprising more than 50% isoparaffins, wherein the isoparaffins are predominately methyl, and/or ethyl, and/or propyl branched. Berlowitz et al. fails to teach, or even suggest, such a composition. For at least this reason, Applicants respectfully contend Berlowitz et al. fails to anticipate claim 8.

WO9714769

Claims 1, 2 and 56 were rejected under 35 U.S.C. § 102 as anticipated by WO9714769. Applicants respectfully traverse this rejection. Claims 2 and 56 have been canceled, rendering the rejection moot as to these claims.

Claim 1 has been amended to include all limitations previously set forth in claim 3. Claim 3 was not found anticipated by WO9714769. For at least this reason, WO9714769 fails to anticipate claim 1.

WO9214804

Claims 1, 2 and 56 were rejected under 35 U.S.C. § 102 as anticipated by WO9214804. Applicants respectfully traverse this rejection. Claims 2 and 56 have been canceled, rendering the rejection moot as to these claims.

S/N 09/787,641

PATENT

Claim 1 has been amended to include all limitations previously set forth in claim 3. Claim 3 was not found anticipated by WO9214804. For at least this reason, WO9214804 fails to anticipate claim 1.

Van Slyke

Claims 1-3 and 56 were rejected under 35 U.S.C. § 102 as anticipated by Van Slyke (U.S. Pat. No. 5,635,457). Applicants respectfully traverse this rejection. Claims 2-3 and 56 have been canceled, rendering the rejection moot as to these claims.

Claim 1 requires a synthetic middle distillate cut comprising between 0.44 mass% and 8.99 mass% monocyclic aromatics, and less than 0.01 mass% polycyclic aromatics. Compositions comprising the claimed levels of monocyclic and polycyclic aromatics are readily biodegradable in an aquatic environment under aerobic conditions. Van Slyke fails to teach, or even suggest, a composition comprising between 0.44 mass% and 8.99 mass% monocyclic aromatics. Rather, Van Slyke teaches that the composition should have less than 0.1 wt.% aromatics (Col. 1, lines 35-38). Thus, Van Slyke teaches against a synthetic middle distillate cut comprising between 0.44 mass% and 8.99 mass% monocyclic aromatics. For at least this reason, Applicants respectfully contend Van Slyke fails to anticipate claim 1.

Claim Rejections Under 35 U.S.C. § 103

Claim 8 was rejected under 35 U.S.C. § 103 as obvious over Van Slyke (U.S. Pat. No. 5,635,457). Applicants respectfully traverse this rejection.

Claim 8 requires a composition comprising more than 50% isoparaffins, wherein the isoparaffins are predominately methyl, and/or ethyl, and/or propyl branched. Van Slyke fails to teach, or even suggest, such a composition. Nowhere does Van Slyke suggest a desired form of isoparaffins. Van Slyke lacks any motivation to prepare a synthetic middle distillate cut wherein the isoparaffins are predominately methyl, and/or ethyl, and/or propyl branched. For at least this reason, Applicants respectfully contend Van Slyke fails to render claim 8 obvious.

S/N 09/787,641

PATENT

In view of the above, Applicant respectfully requests reconsideration of the application in the form of a Notice of Allowance.



Date: July 12, 2004

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

By: John J. Gresens

John J. Gresens
Reg. No.: 33,112
JJG/TSW